

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>JONATHAN SCOTT GRAHAM,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-20-828-G</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
<b>et al.,</b>	)	
	)	
<b>Respondents.</b>	)	

**ORDER**

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell on August 31, 2020. Judge Mitchell recommends that Petitioner’s application for leave to proceed *in forma pauperis* be denied, based on her determination that Petitioner currently has an available balance of \$429.94 in his institutional accounts, which is sufficient to prepay the \$5.00 filing fee.

Petitioner failed to object to the Report and Recommendation within the time allowed. He thereby waived his right to appellate review of the factual and legal issues addressed therein. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010); 28 U.S.C. § 636(b)(1)(C).

Accordingly, the Court ADOPTS Magistrate Judge Mitchell’s Report and Recommendation (Doc. No. 6). Petitioner’s application for leave to proceed *in forma pauperis* (Doc. No. 5) is DENIED. Petitioner is advised that unless he pays the \$5.00 filing fee in full to the Clerk of the Court on or before October 29, 2020, this action will be dismissed without prejudice to refiling. *See* LCvR 3.3(e).

IT IS SO ORDERED this 8th day of October, 2020.

  
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CHARLES B. GOODWIN  
United States District Judge